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7 DIGITAL VIDEO SYSTEMS, INC.,  
DOUGLAS WATSON and MALI KUO

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

12 GLENBROOK CAPITAL LIMITED ) Case No. C 07-02377 JSW  
13 PARTNERSHIP, )  
14 Plaintiffs, ) **STIPULATION AND [PROPOSED]**  
15 vs. ) **ORDER MODIFYING BRIEFING**  
16 MALI KUO, *et al.*, ) **SCHEDULE ON MOTION TO DISMISS**  
17 ) **PLAINTIFF'S SECOND AMENDED**  
18 Defendants. ) **COMPLAINT**  
 ) **(Civ. L.R. 6-1, 6-2)**

20 Pursuant to Civ. L.R. 6-1(b) and 6-2(a), Plaintiff Glenbrook Capital Limited Partnership  
21 (“Plaintiff”) and Defendants Digital Video Systems, Inc., Douglas Watson and Mali Kuo  
22 (collectively “Defendants”), by and through their respective counsel, stipulate and agree as  
23 follows:

24 WHEREAS on July 7, 2008 the Court issued an Order Setting Briefing Schedule on  
25 Motion to Dismiss (“Order”);  
26

1           WHEREAS the Order directs Plaintiff to file its opposition to Defendants' motion to  
2 dismiss Plaintiff's Second Amended Complaint no later than July 21, 2008;

3           WHEREAS the Order directs Defendants to file their reply memorandum no later than  
4 July 28, 2008;

5           WHEREAS the attorney at Defendants' counsel's office responsible for briefing in this  
6 case will be on a pre-scheduled, non-refundable vacation abroad from July 17 through August  
7 11, 2008, and

8           WHEREAS due to the vacation schedule of Defendants' counsel as set forth above  
9 Defendants request an additional three weeks to respond to Plaintiff's opposition to Defendants'  
10 motion to dismiss the Second Amended Complaint;

11           IT IS HEREBY STIPULATED AND AGREED by the parties that the briefing schedule  
12 set forth in the Order be modified as follows:

13           1) Plaintiff Glenbrook Capital Partners shall file their opposition to Defendants' motion  
14 to dismiss Plaintiff's Second Amended Complaint no later than August 11, 2008, and

15           2) Defendants Digital Video Systems, Inc., Douglas Watson and Mali Kuo shall file  
16 their reply memorandum no later than August 18, 2008.

17           This Stipulation is not requested for purposes of delay. The case is not yet at issue, and  
18 the initial case management conference is not scheduled to be held until October 3, 2008.

19           The following time modifications have been made in this case:

20           • on June 13, 2007 Defendant DVS moved for an order extending until July 19, 2007 the  
21 date by which DVS was required to respond Plaintiff's original complaint, which order  
22 was granted by the Court on June 20, 2007

- on July 5, 2007 Defendants Kuo and Watson moved for an order extending until July 19, 2007 the date by which they were required to respond Plaintiff's original complaint, which order was granted by the Court on July 11, 2007
- the parties previously stipulated that the Case Management Conference be continued two months from its originally-scheduled date of August 29, 2007, which the Court ordered on August 27, 2007
- following the Court's issuance of its Order granting in part and denying in part Defendants' motion to dismiss the original Complaint, the parties stipulated to an additional continuation of the Case Management Conference, which resulted in the Court's October 3, 2007 Order setting the Case Management Conference date for December 18, 2007
- on November 13, 2007 Defendants moved to extend the Case Management Conference, and on November 26, 2007 the Court issued a Clerk's Notice setting the Case Management Conference on January 22, 2008. On December 14, 2007, the Court issued a Clerk's Notice Rescheduling Hearing, setting the Case Management Conference on March 11, 2008
- on February 15, 2008 Defendants moved to continue the Case Management Conference. On February 21, 2008 the Court issued a Clerk's Notice vacating the Case Management Conference, and then on February 25, 2008 granted Defendants' motion and scheduled the Case Management Conference for May 13, 2008. On April 7, 2008 the case was reassigned to this Court, and the Case Management Conference was vacated in the Reassignment Order

- on April 21, 2008 the parties submitted a stipulation and proposed order to permit Plaintiff to file its Second Amended Complaint by May 19, 2008 to permit Defendants to file their response thereto no later than 30 days thereafter. The Court granted the parties' stipulation and entered an Order on April 22, 2008
- on June 6, 2008, the parties submitted a stipulation and proposed order to grant Defendants an additional two weeks to file their response to Plaintiff's Second Amended Complaint, which order was granted on June 9, 2008.

9 By entering into this Stipulation, neither Plaintiff nor Defendants waive any rights,  
10 claims or defenses it or they might have in this action. This Stipulation constitutes the entire  
11 agreement among the parties, and may be signed in counterparts and/or by facsimile.. The  
12 undersigned hereby consent to the terms set forth in this Stipulation.  
13

14      July 11, 2008  
15      Dated: \_\_\_\_\_

KERR & WAGSTAFFE, LLP  
Attorneys for Plaintiff  
GLENBROOK CAPITAL LIMITED PARTNERSHIP

/s/ Adrian Sawyer  
By: \_\_\_\_\_  
Adrian Sawyer

20 || July 11, 2008  
Dated: \_\_\_\_\_

TRIAL & TECHNOLOGY LAW GROUP  
A Professional Corporation  
Attorneys for Defendants  
DIGITAL VIDEO SYSTEMS, INC.,  
DOUGLAS WATSON and MALI KUO

/s/ Robert A. Spanner  
By: \_\_\_\_\_  
Robert A. Spanner

## **DECLARATION OF CONSENT**

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Adrian Sawyer.

Dated: July 11, 2008

TRIAL & TECHNOLOGY LAW GROUP  
A Professional Corporation  
Attorneys for Defendants  
DIGITAL VIDEO SYSTEMS, INC.,  
DOUGLAS WATSON and MALI KUO

/s/ Robert A. Spanner  
By: \_\_\_\_\_  
Robert A. Spanner

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 11, 2008

*Jeffrey S. White*  
UNITED STATES DISTRICT COURT JUDGE